

This page is a reference page used to track documents internally for the Division of Oil, Gas and Mining

Mine Permit Number S/045/0068 Mine Name ACADEMIC ONE
Operator ROBERT MILLER ESTATE Date SENT AUGUST 10 2011
TO _____ FROM _____

☐ CONFIDENTIAL ☒ BOND CLOSURE ☐ LARGE MAPS ☐ EXPANDABLE
☐ MULTIPUL DOCUMENT TRACKING SHEET ☐ NEW APPROVED NOI
☐ AMENDMENT ☐ OTHER _____

Description YEAR-Record Number

☐ NOI ☐ Incoming ☒ Outgoing ☐ Internal ☐ Superceded
NOTICE OF FILE CLOSURE AND RELEASE OF RECLAMATION SURETY
2011-08102011

☐ NOI ☐ Incoming ☐ Outgoing ☒ Internal ☐ Superceded
BOND FILE 2011-08102011

CONFIDENTIAL

☐ NOI ☐ Incoming ☐ Outgoing ☒ Internal ☐ Superceded
* BOND FILE 2011-08102011

☐ NOI ☐ Incoming ☐ Outgoing ☐ Internal ☐ Superceded

☐ TEXT/ 81/2 X 11 MAP PAGES ☐ 11 X 17 MAPS ☐ LARGE MAP

COMMENTS: _____

CC: _____

RECEIVED

FEB 01 2007

DIV. OF OIL, GAS & MINING

FORM MR-RC (SMO)
Revised August 9, 2006
RECLAMATION CONTRACT

Mine Name Academic-One

Other Agency File Number pending

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION of OIL, GAS and MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291
Fax: (801) 359-3940

---ooOoo---

SMALL MINE RECLAMATION CONTRACT

This Reclamation Contract (hereinafter referred to as "Contract") is entered into between **R.E. Miller** the "Operator" and the Utah State Division of Oil, Gas and Mining ("Division").

WHEREAS, Operator desires to conduct mining operations under Notice of Intention (NOI) File No. **M0450068** which the Operator has filed with the Division and has been determined by the Division to be complete (Complete NOI) as required by the Utah Mined Land Reclamation Act, Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended) (hereinafter referred to as "Act") and the regulations adopted pursuant to the Act; and

WHEREAS, Operator is obligated to reclaim the lands affected by the mining operations in accordance with the Act and the regulations, and is obligated to provide a surety in a form and amount approved by the Division or the Board of Oil, Gas and Mining (Board) to assure reclamation of the lands affected by the mining operations.

NOW, THEREFORE, the Division and the Operator agree as follows:

1. Operator agrees to promptly reclaim in accordance with the requirements of the Act and applicable regulations, as they may be amended, all of the lands affected by the mining operations conducted or to be conducted pursuant to a Complete Notice of Intention.
2. The Lands Affected by the mining operations and subject to the requirements of the Act and this Contract include:
 - A. All surface and subsurface areas affected or to be affected by the mining operations including but not limited to private on-site ways, roads, railroads; land excavations; drill sites and

☒ APPROVED

workings; refuse banks or spoil piles; evaporation or settling ponds; stockpiles; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage, and waste discharge areas, structures, and facilities; and

- B. All mining disturbances regardless of discrepancies in the map and legal description, unless explicitly and clearly identified as EXCLUDED on maps, and legal descriptions included in the Complete NOI; provided lands may be excluded only if: (1) they were disturbed by mining operations that ceased prior to July 1, 1977; (2) the lands would be included but have been reclaimed in accordance with a complete notice or reclamation plan; or (3) the lands were disturbed by a prior operation for which there is no surety, no legally responsible entity or person, and which lands are not necessarily or incidentally intended to be affected by the mining operations as described in the Complete NOI.
- 3. The Operator shall be responsible for reclamation of all such Lands Affected regardless of errors or discrepancies in the maps or legal descriptions provided with the NOI which are intended to assist in determining the location of the mining operations, to describe the areas of disturbance, and to assist estimating the amount of surety required.
 - 4. The Operator prior to commencement of any mining operations and as a precondition to the rights under the Notice of Intention shall provide a surety in a form permitted by the Act and in an amount sufficient to assure that reclamation of the Lands Affected will be completed as required by the Act. The Surety shall remain in full force and effect according to its terms unless modified by the Division in writing. A copy of the agreement providing for the Surety for the reclamation obligations herein is included as **ATTACHMENT A** to this Contract.
 - 5. If the Surety expressly provides for cancellation or termination for non-renewal:
 - A. The Operator shall within 60 days following the Division's receipt of notice that the Surety will be terminated or cancelled, provide a replacement Surety sufficient in a form and amount, as required by the Act, to replace the cancelled surety; or
 - B. If the Operator fails to provide an acceptable replacement Surety within 60 days of notice of cancellation or termination, the Division may order the Operator to cease further mining activities, and without further notice proceed to draw upon letters of credit, to withdraw any amounts in certificates of deposit or cash and/or any other forms of surety, and to otherwise take such action as may be necessary to secure the rights of the Division to perfect its claim on the existing surety

for the purpose of fully satisfying all of the reclamation obligations incurred by the Operator prior to the date of termination, and the Division may thereafter require the Operator to begin immediate reclamation of the Lands Affected by the mining operations, and may, if necessary, proceed to take such further actions as may be required for the Division to forfeit the surety for the purpose of reclaiming the Lands Affected.

6. The Operator's liability under this Contract shall continue in full force and effect until the Division finds that the Operator has reclaimed the Lands Affected by mining operations in accordance with the Act and regulations, as amended. If the mining operations are modified or for any other reason vary from those described in the Complete Notice of Intention, the Operator shall immediately advise the Division, and the Notice of Intention shall be revised and the Surety amount shall be adjusted as necessary.
7. If reclamation of a substantial phase or segment of the Lands Affected by the mining operations is completed to the satisfaction of the Division, and the Division finds that such substantial phases or segments are severable from the remainder of the mining area, Operator may request the Division to find that Operator has reclaimed such area. If the Division makes such finding, Operator may make request to the Division for a reduction in the aggregate face amount of the Surety, and the Division may reduce the surety to an amount necessary to complete reclamation of the remaining mining operations as anticipated by the Complete Notice of Intention in accordance with the requirements of the Act and regulations, as amended.
8. Operator may, at any time, submit a request to the Division to substitute surety. The Division may approve such substitution if the substitute surety meets the requirements of the Act and the applicable rules.
9. Operator agrees to pay all legally determined public liability and property damage claims resulting from mining operations, to pay all permit fees, to maintain suitable records, to file all required reports, to permit reasonable inspections, and to fulfill all sundry reporting requirements applicable to the mine as required by the Act and implementing rules.
10. Operator agrees to indemnify and hold harmless the State, Board, and the Division from any claim, demand, liability, cost, charge, suit, or obligation of whatsoever nature arising from the failure of Operator or Operator's agents and employees, or contractors to comply with this Contract.
11. If Operator shall default in the performance of its obligations hereunder, Operator shall be liable for all damages resulting from the breach hereof including all costs, expenses, and reasonable attorney's fees incurred by the Division and/or the Board in the enforcement of this Contract.

12. Any breach of a material provision of this Contract by Operator may, at the discretion of the Division, in addition to other remedies available to it, result in an order by the Division requiring the Operator to cease mining operations, and may thereafter result in an Order, subject to an opportunity for notice and hearing before the Board, withdrawing and revoking the Notice of Intention, and requiring immediate reclamation by the Operator of the Lands Affected or forfeiture of the Surety.
13. In the event of forfeiture of the Surety, Operator shall be liable for any additional costs in excess of the surety amount that is required to comply with this Contract. Upon completion of the reclamation of all of the Lands Affected, any excess monies resulting from forfeiture of the Surety shall be returned to the rightful claimant.
14. The Operator shall notify the Division immediately of any changes in the Operator's registered agent, the Operator's address, form of business, name of business, significant changes in ownership, and other pertinent changes in the information required as part of the Notice of Intention. Notwithstanding this requirement, any changes to the Notice of Intention, and any errors, omissions, or failures to fully or accurately complete or update the information on the Notice of Intention, or the attached maps, shall not affect the validity of this Contract and the rights of the Division to enforce its terms.
15. If requested by the Division, the Operator shall execute addendums to this Contract to add or substitute parties, or to reflect changes in the Operator, Surety, and otherwise modify the Contract to reflect changes in the mining operations as requested by the Division. All modifications must be in writing and signed by the parties, and no verbal agreements, or modifications in any of the terms or conditions shall be enforceable.
16. This Contract shall be governed and construed in accordance with the laws of the State of Utah.

 APPROVED

The signatory below represents that the Operator, if not a natural person, is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah, and that he/she is authorized to execute this Contract on behalf of the entity as Operator.

OPERATOR:

R.E. Miller
Operator Name

By R.E. Miller
Authorized Officer (Typed or Printed)
Individual

Authorized Officer - Position

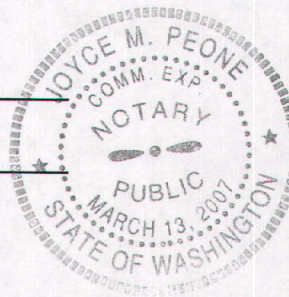
R.E. Miller Jan 31, 2007
Officer's Signature Date

STATE OF Washington)
) ss:
COUNTY OF Spokane)

On the 31 day of January, 20 07, R.E. Miller
personally appeared before me, who being by me duly sworn did say that
he/she is an owner (owner, officer, director, partner, agent
or other (specify)) of the Operator _____ and duly
acknowledged that said instrument was signed on behalf of said Operator by
authority of its bylaws, a resolution of its board of directors or as may otherwise
be required to execute the same with full authority and to be bound hereby.

Joyce M. Peone
Notary Public
Residing at Spokane, WA
3-13-2007

My Commission Expires:



☒ APPROVED

DIVISION OF OIL, GAS AND MINING:

By John R. Baza
John R. Baza, Director

2/6/2007
Date

STATE OF Utah)
COUNTY OF Salt Lake) ss:

On the 6th day of February, 2007, John R. Baza
personally appeared before me, who being duly sworn did say that he, the said
John R. Baza is the Director of the Division of Oil, Gas and Mining,
Department of Natural Resources, State of Utah, and he duly acknowledged to me that
he executed the foregoing document by authority of law on behalf of the State of Utah.



Diane Holland
Notary Public
Residing at: Salt Lake City, Utah

05-08-2010
My Commission Expires:

FACT SHEET

Commodity: Gypsum, Oolite, Silica
Mine Name: Academic-One
County: Tooele
Disturbed Acres: five

Operator Name: R.E. Miller
Operator address: N 15607 Timberwood Court Spokane WA 99208
Operator telephone: 509-435-2323
Contact: R.E. Miller
Operator email: rem2161@yahoo.com

Subject to BLM approval of surety amount.

Surety Type: Cash
Surety Company: Zions Bank Escrow Account
Surety Amount: \$18,600.00
Account number: to be issued
Surety Contact: Beth Ericksen, DOGM
Surety contact phone: 801 538 5318
Surety contact email: Bethericksen@utah.gov

Social security number: 528-70-0306 (required for cash)

50450668

110023027

Account Number: [REDACTED]
Account Name: UST - OGM - RE Miller
Tran #: 17413914
Admin Name: Raylyn Daniel - UST 801-844-8523
Date: 07/14/2011

This check constitutes payment of the following:

Escrow Disbursements
partial release of acct # [REDACTED]

Paid For:

Amount: **\$18,600.00**

110023027

Payee:

The Estate of Robert E. Miller
c/o UST
350 N State Street Ste 180
PO Box 142315
Salt Lake City UT 84114-2315

HARLAND CLARKE M17873 10478900

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW

OFFICIAL CHECK

110023027

Zions First National Bank
Salt Lake City, Utah
801-844-7089

UST - OGM - RE Miller

Trust Account [REDACTED]

7/14/2011

\$18,600.00*

Eighteen Thousand Six Hundred Dollars & 00/100

Pay to the Order Of:

The Estate of Robert E. Miller
c/o UST
350 N State Street Ste 180
PO Box 142315
Salt Lake City UT 84114-2315



RECEIVED

JUN 27 2011

DIV. OF OIL, GAS & MINING

50450068
Task ID#
4230
cc: Leslie

Application for Site and/or Bond Release

Operator/Permittee: R.E. Miller

Mine/Project Name: Academic 1 claim #47

File Number: S 450068

Check One:

☐ Large Mine

☒ Small Mine

☐ Exploration

Check one:

☐ Partial Release of a portion of the mine site: Acres to be released: _____ Acres Remaining: _____
Specify Area: _____

☐ Full Release of a portion of the mine site: Acres to be released: _____
Specify Area: _____
(A new map will need to be provided for the Notice or plan removing the released area from the disturbed or bonded area.)

☐ Partial Release of entire mine site: Total Acres to be released: _____
(Backfilling and grading are completed)

☒ Full Release of entire mine site: Total Acres to be released: All
☐ (Vegetation is established and has survived three growing seasons.)

Amount of Existing Surety: \$18,600.00

Amount of Surety requested for release: \$18,600.00

Reason for Bond Release Request: No work was started on this unit

Complete this section if the money released from this application is to be used as surety for future disturbance.

Release bond on: _____ Acres (specify area) _____

Apply Bond to: _____ Acres (specify area) _____

Check Applicable Boxes

DESCRIPTION of RECLAMATION ACTIVITIES COMPLETED
(Describe any variance(s) that have been granted, date activity completed)

<input type="checkbox"/>	Wells Plugged / shafts sealed	N/A
<input checked="" type="checkbox"/>	Disposal of debris & other materials incident to mining	Removed survey stakes and cut down rock piles as asked

	Drainages, reestablished & stable	N/A
	Structures demolished / removed	N/A
	Regrading Completed – Slopes, pits, highwalls in stable condition	N/A
	Meets Postmining Land Use (Indicate Landuse)	
	Roads Reclaimed	N/A no new roads were put in
	Dams, Impoundments, Ditches, Pits reclaimed	N/A
	Topsoil respread – amendments added	N/A
	Erosion Controlled	N/A
	Vegetation meets 70% of premining cover and has survived three years for full bond release – or has survived one year growing season to maintain small mine status.	0 to 5% Barren cover was not disturbed no work was performed on this site

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments and obligations, herein.

Donna Gail Miller
 Print Name *Personal Representative*
RE Miller

Donna Gail Miller P. Rep.
 Sign Name, Position
June 8, 2011
 Date

Return to:

State of Utah
 Department of Natural Resources
 Division of Oil, Gas and Mining
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 Phone: (801) 538-5291 Fax: (801) 359-3940

FOR DOGM USE ONLY:	
File #: <u>W</u> / <u> </u>	
Approved: <u> </u>	
Bond Adjustment: from (\$) <u> </u>	
to \$ <u> </u>	

O:\FORMS\Bonding Forms\Bond-Release\site-bond-release-applic.doc

RECEIVED
JUN 27 2011
DIV. OF OIL, GAS & MINING

To:

The State of Utah

Department of Natural Resources

Division Of Oil, Gas & Mining

The Estate of Robert E. Miller, by Donna Gail Miller, Personal Representative, and James Miller, hereby designed as Authorized Agent for the Personal Representative, request bond release from the Division of Oil, Gas & Mining".

Donna Gail Miller

Donna Gail Miller Date 6-8-11

James Miller

James Miller Date 6/8/2011



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119
ph: (801) 977-4300; Fax: (801) 977-4397
www.ut.blm.gov/saltlake_fo



IN REPLY REFER TO:
3809 (UTW011)
U-77830

AUG 08 2011

AUG 08 2011

Donna Gail Miller
Personal Representative of Robert Miller
N 15607 Timberwood Court
Spokane, WA 99208

Dear Mrs. Miller:

On June 8, 2011, Stephen Allen of the Bureau of Land Management (BLM), Salt Lake Field Office (SLFO), and Leslie Heppler of the Utah Division of Oil, Gas, and Mining (DOGM), met with James Miller at the Academic One exploration notice (U-77830) site. James Miller stated that his father, Robert Miller, the original applicant for the project, was now deceased, and his estate wished to close the notice and request a release of the bond currently being held with DOGM.

At the time of the meeting the disturbance at the site consisted of a gravel pad, a couple of small berms, wooden survey stakes, and some metal t-posts. The gravel pad is naturally reclaiming due to its location in an active dune field. As a condition of bond release, BLM and DOGM instructed James Miller to remove the stakes and t-posts, and knock down the small berms at the edge of the gravel pad.

On June 10, 2011, BLM received an e-mail from James Miller with attached photographs showing that the berms had been cut down and the stakes and posts removed as requested by BLM and DOGM.

On June, 27, 2011, DOGM received an *Application for Site and/or Bond Release* for the Academic One project. The request was signed by The Estate of Robert E. Miller, by Donna Gail Miller, personal representative, and James Miller, authorized agent for the personal representative.

On June 30, 2011, The BLM received notification from DOGM requesting BLM concurrence for the release of the \$18,600.00 bond held for the Academic One project.

A

On August 4, 2011, BLM personnel inspected the site and confirmed that the requested work had been completed. This letter is to inform you that BLM concurs with DOGM and agrees to the release of the bond held for reclamation of your project.

If you have any questions, or require additional information, please contact Stephen Allen of my staff at (801) 977-4360.

Sincerely,

/S/ MICHAEL G. NELSON
Michael G. Nelson
Assistant Field Manager,
Nonrenewable Resources

cc: UDOGM, Leslie Heppler, 1594 West No. Temple, Ste. 1210# Box 145801, SLC, UT
84114-5801

UT923 - Opie Abeyta



EDWARD T. ALTER, CPA
STATE TREASURER

STATE OF UTAH

OFFICE OF STATE TREASURER
E315 STATE CAPITOL COMPLEX
P. O. Box 142315

SALT LAKE CITY, UTAH 84114-2315

TEL: (801) 538-1042
FAX: (801) 538-1465
TDD: (801) 538-1042

ROBERT C. KIRK
CHIEF DEPUTY STATE TREASURER

CHRISTINE M. BRANDT
STATE INVESTMENT OFFICER

February 20, 2007

Ms. Beth Ericksen
Division of Oil, Gas & Mining
1594 W North Temple, Suite 1210
PO Box 145801
Salt Lake City, UT 84114

Dear Ms. Ericksen:

I hereby certify that as of February 13, R. E. Miller has deposited with the Utah State Treasurer cash or securities valued at \$18,600.00 and described as follows:

Interest bearing escrow account # _____ held at Zions First National Bank

The above described securities have been deposited and assigned to the Utah State Treasurer as a Reclamation Surety as required by Section 40-8-14 Utah Code Annotated, and will be held by the Utah State Treasurer until release is requested by the Division of Oil, Gas & Mining.

Sincerely,

Coleen Hackwell
Financial Analyst

☒ APPROVED

S/045/060
Attachment A

Purchaser: DONNA MILLER

VOID AFTER 90 DAYS

ISSUE DATE: January 31, 2007

PAY

\$18,600.00

NOT VALID OVER \$250,000

AMOUNT

\$18,600.00

Pay to the order of:

STATE OF UTAH, DOGM
PERMIT NUMBER M 0450068Bank of America, N.A., Seattle, Washington
For inquiries contact (888) 217-4038

Authorized Signature

original check given to V. Bailey / acctg

RECEIVED

FEB 01 2007

DIV. OF OIL, GAS & MINING

Cash RECEIPT

Date 2.1.07

MINERALS BOND \$18600

Amount \$	
Permit Number	S10451068
Operator	R.E. Miller
Received by	BQ
Signature	I confirm the dollar amount of this check is correct <u>BQ</u>